

SOLUTIONS

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A MESSAGE FROM OUR EXECUTIVE OFFICER: WORDS?



Floyd Shimomura
Executive Officer

The words "merit" and "competitive examination" are central to California's civil service system. Adopted by the people in 1934, these words are from Article VII of the State Constitution. They imply an open employment system accessible to all. They imply hiring and promoting the best persons available based on individual merit. They imply the end to a "spoils system" based on connections, cronyism, wealth, or political pull. Are these words still viable 72 years later? Ask former Secretary of State Kevin Shelley. He thought the words obsolete. Now he is. Ask the Governor and Legislature? They, by contrast, say "yes!". They are investing \$6 million in the future of our civil service system by replacing the State's antiquated, 1970s legacy examination and certification system. Soon we will have a new, state of the art test management system. It will be nimble, faster, and user friendly. Moreover, it gives us the capability to implement serious classification reform. We, at the SPB, and you, in the personnel offices, have a great responsibility to keep these words - "merit" and "competitive examination" - viable in the 21st Century. Together, we can meet this responsibility.

Floyd Shimomura
Executive Officer
State Personnel Board

Who is an "Internet Applicant" and Why Do We Need to Know? By Inés Vargas Fraenkel, Oakland City Attorney's Office

Introduction - The 1979 Uniform Guidelines on Employee Selection Procedures (UGESP) defines an applicant as "... a person who has indicated an interest in being considered for hiring, promotion, or other employment opportunities. This interest may be expressed by completing an application form, or might be expressed orally, depending on the employer's practice." The definition is important since: (1) only "applicants" may claim discrimination in hiring decisions under state and federal

discrimination statutes; and (2) employers need to know who is an "applicant" in order to ascertain whether hiring practices, policies or procedures have an "adverse impact" on minorities and/or women. It is also key to several recordkeeping and compliance provisions under the UGESP and other federal regulations.

Changing Times - New technology such as e-mail, web sites (third party job or resume banks and employment web

continued on page 2

GUEST

MESSAGE

Who is an "Internet Applicant" and Why Do We Need to Know? continued from page 1

...Who is an Internet Applicant continued from page 1...

pages), electronic scanning technology, applicant tracking systems and internal databases of job seekers, increased the ways in which applicants and employers viewed and used the labor market, creating the need in federal agencies, to obtain information regarding "internet" applicants.

Various agencies formed a Task Force which resulted in the EEOC's proposed definition issued on March 4, 2004, which remains 'proposed' to date, as follows:

(1) the employer has acted to fill a particular position; (2) the individual *has followed the employer's standard procedures* for submitting applications; and (3) the individual has *indicated an interest* in the particular position.

The effect of the EEOC definition is that only those who respond and follow the employer's announced process will be counted. Neither the employer searching applicant databases, nor the applicant's posting of resumes in 3rd party resume banks or personal webpage are enough. The EEOC definition is believed by some to be of concern as it is too inclusive. The provisions *do not require someone to meet minimum qualifications* for a job in order to be counted as an applicant, only interest and following of the process. Its breath will require extensive and expensive information tracking.

OFCCP: A Different Definition - The Office of Federal Contract Compliance Program (OFCCP) administers and enforces Executive Order 11246, as amended, which prohibits federal contractors who do more than \$10,000 in government business in one year from discriminating in employment decisions on the basis of race, color, religion, gender, or national origin. It proposed a different definition of "internet applicant", adopted a final definition on October 7, 2005, and made it effective on February 7, 2006, as follows:

(1) the individual submits an *expression of interest* in employment through the *Internet or related electronic data technologies*, (2) the contractor considers the individual for employment in a particular position,

(3) the individual's expression of interest indicates the individual *possesses the basic qualifications* for the position, and (4) the individual at no point in the contractor's selection process, prior to receiving an offer of employment from the contractor, removes himself or herself from further consideration or otherwise *indicates that he or she is no longer interested* in the position.

OFCCP Dual Rule Implications - If the contractor considers expressions of interest made for the particular position, all expressions of interest count under the new rule, regardless of the means in which they are made. If a contractor only accepts traditional paper applications for a position, the old definition still applies as to that position.

EEOC/OFCCP Comparison - The EEOC proposed definition places the trigger in the hands of the individual who expresses interest and follows the process set out by the employer for the particular job, regardless of whether the person meets the minimum qualifications. The OFCCP definition requires that the individual must express interest and have certain qualifications, but the trigger is the recruiter or the hiring manager who must have considered the candidate for employment in the particular position.

Implications and Suggestions - Given the fact that the current EEOC and OFCCP definitions differ, employers that are covered by both may need to keep two (2) sets of applicant records. Employers would be wise to reevaluate their own definitions of 'applicant' and carefully review employment practices to ensure compliance with both. They should establish procedures for tracking data in light of the new rules which may require developing and implementing applicant tracking systems under both definitions.

As always, employers should carefully monitor standardized Internet recruiting systems and be watchful for statistical disparities. They should continue to justify all selection criteria used to screen and select individuals and audit hiring systems for possible disparate impact. When necessary, they should make good faith and timely efforts to change their selection processes, as well as train line managers regarding basic concepts so that they will understand and support the changes. Finally, best practices dictate that selection requirements be job related, and that the process be applied consistently. ■

On-Line Examination and Certification Training

For information on registration for either the On-Line Certification training or the On-Line Examination training programs offered by the State Personnel Board, please contact Darlene Owen at (916) 653-0549 or email at dowen@spb.ca.gov.

All other non-registration questions can be directed to:

On-Line Certification: Scott Crouch (916) 653-0567 or scrouch@spb.ca.gov

On-Line Examination: Maria Mendoza Jett (916) 653-1169 or mmendozaajett@spb.ca.gov

While this change more correctly aligns SPB's budget, it does not serve the needs of state government. SPB is seeking departmental input regarding both long and short-term solutions. A meeting was held with representatives of AdHoc and SPIN to discuss alternatives and actions to date. In addition to SPB staff, participants were Jerri Judd (DPA), Evelyn Chin (DOI), Gene Castillo (SPIN), Kathy Stigall (CDCR), Armando Hidalgo (STRS), Sharon Planchon (DSS), Pat Lujan (EDD), and Jil Harling (DTSC).

Proposed actions:

1. Departments will need to do more to help themselves. This means staff must consult the available print and web resources, gather relevant data, identify potential options prior to contacting SPB for assistance.
2. SPB will triage issues and process only the most pressing issues immediately. All others will be handled in the order received.
3. SPB will establish an electronic mailbox with an intake form where departments can describe their problem or question. The form will require that they indicate which of a list of resources they have consulted before submitting their request. The e-mail address is hrproblemresolution@spb.ca.gov
4. Each staff member in Examination Services will have one or several assigned topics. Questions will be routed to the analyst with the expertise to answer the question. The response will be reviewed by a supervisor before forwarding to the requesting department. We will accumulate metrics and management reports, e.g. what types of questions are received, which departments ask what type of questions, response time, time required to research. This information will be used to support our budget change proposal.
5. Illegal appointments and transfer determinations have been identified as the two most problematic issues. AdHoc will establish a work group for each of these issues. These workgroups will partner with SPB staff to identify existing resources, and to develop print and web resources to provide information and assist departments in correcting these problems.

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Policy Consultation is No More

In 2001-02, the Policy Division (excluding the Medical Office and Psychological Screening) had 21 positions. Over the next few years, the policy function sustained a net loss of 16 staff or 76% of its resources. The 5 remaining staff were converted from general fund to reimbursable. They attempted to handle the most pressing policy and problem resolution issues including: illegal appointments, transfer determinations, requests to backdate appointments, miscellaneous appointment, probation, and problem resolution issues, investigation of complaints, audits of departmental practices, demonstration projects, contract review, rule-making, special studies (such as the study of the use of seasonal classifications).

We should be taught not to wait for inspiration to start a thing. Action always generates inspiration. Inspiration seldom generates an action.
– Frank Tibolt

In 2005-06, because of diminished resources, the SPB was forced to correctly align its budget along programmatic lines and to realign the reimbursable and general fund positions within each program area. The reimbursable policy positions did not generate any revenue. This created an unsupportable overhead load on revenue-generating positions and made it difficult to operate within a balanced budget. This resulted in the termination of any reimbursable function that was not actually revenue generating. The policy program was disbanded and the positions dispersed to revenue generating programs throughout SPB.

Policy Consultation is No More continued from page 3...

6. SPB's website will include FAQs, by topic and will include the responses provided to various common questions.

The SPB realizes that these efforts do not adequately address the problem. With your help, we will continue to seek ways to provide the assistance you need in order to meet your departments' needs. ■



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IT Civil Service Reform Project!

It may actually happen! The IT civil service reform project is rapidly moving forward. The Department of Personnel Administration is getting close to completing a draft of the new IT Specialist class specification series. The entire proposed structure reduces the total number of IT classes from 36 to 12. The consolidated class series is defined by twelve skills-based functional areas used to identify the duties and responsibilities performed and the requisite knowledge and abilities. Individual position descriptions will reflect the varied work performed in the information technology occupational group. Incumbents may perform work in one specialty area and/or any combination of functional areas of significance to the position. Individuals in current classifications will move to the new classes via State Personnel Board (SPB) resolution. The SPB will begin the development of new tests reflective of the proposed classification structure in the fall. SPB has requested funding for this effort through the BCP process and our request has been approved.

The testing process for the new classifications will be considerably different from our current procedures. The centrally administered application and examination process will be available on a continuous basis. Applicants will apply on line and, if they meet the minimum qualifications for the class, they will be able to select from available testing dates and times and schedule themselves to take the objective multiple choice test.

The test will consist of a core examination that evaluates general skills common to all positions within a classification. Candidates who are successful on that portion will be allowed to take any or all of the 12 functional skills tests. Any candidate who passes the core test and is successful on at least one functional skill test will be included in a score bank.

As hiring supervisors have vacancies, they will designate the importance (weighting) of the functional areas for the specific vacancy.

The certification system will then create a unique certification list by applying the designated weighting scheme to candidates' scores in the score bank. This process will ensure that individuals within the top three ranks of the list possess the skills required for the specific vacancy to be filled.

Legislation is required to enable the state to utilize skills based certification for IT classifications.

SPB has sponsored a bill, AB 2241, that has successfully been passed by the Assembly and now moves to the Senate for consideration. This bill has widespread support, including IT managers, the administration, SEIU, DPA, and SPB.

One other critical activity is also moving forward. Funding has been secured to procure a new automated examination and certification system for the state. This new system will enable us to develop new examination strategies and will considerably speed up the processing of applicants through the various examination phases. DGS is developing the RFP, with an expected release of September 2006.

continued on page 5...

IT Civil Service Project continued from page 4...

A procurement contract should be awarded in January 2007.

If all the pieces of this project are funded, remain coordinated, and on schedule, the new process should be fully operational by January 2008.

Quarterly | Word

palindrome (PAL-in-droh-m), noun:
A word, phrase, sentence, or verse that reads the same backward or forward.

Examples:

- Madam, I'm Adam.
- A man, a plan, a canal – Panama
- Mom, Dad

Welcome New Board Member!

SPB staff extends a warm welcome to our newest board member, Patricia Clarey. Ms. Clarey of Studio City, served as Chief of Staff to Governor Schwarzenegger from October 2003 to December 2005. Prior to that, Ms. Clarey was Vice President at Health Net, Inc. Ms. Clarey has an extensive background in policy and the legislative process, having directed federal, state and local government affairs for two major corporations. She served at senior levels for the Department of the Interior in President Reagan's administration and was former Governor Pete Wilson's Deputy Chief of Staff. Ms. Clarey earned her Master of Public Administration from Harvard University's John F. Kennedy School of Government.

Exam Certification System

Our prayers have been answered. As most of you are aware, SPB hosts the State's Examination and Certification Systems that electronically manage applicants' progress throughout the many aspects of testing and appointment. The SPB submitted a Feasibility Study Report to the Department of Finance for the replacement of the Examination and Certification System and it has been approved. The Assembly and Senate have also approved the replacement of the system. The Governor sealed the deal and now we will buy and build it.

SPB is currently working with the Department of General Services to prepare a Request for Proposal. The project calls for the purchase and implementation of a commercial-off-the-shelf (COTS) system. The RFP is scheduled to hit the streets in September 1 and we anticipate that there will be several vendors interested in bidding on this project. Our schedule calls for the procurement to be completed and a vendor selected by January 1, 2007. We currently estimate that the design, implementation, conversion of data, system rollout and training will be completed by January, 2008.

The replacement system will have many new features including filing on-line for all examinations, email notification of exam results, and skills based testing and certification for the IT classifications. Look for further information in future editions of Shared Solutions.



Skill Based Certification Legislation (AB2241)

Author: Assembly Public Employees
Retirement and Social Security Committee

AB 2241 is a collaborative effort among the State Personnel Board (SPB), the Department of Personnel Administration (DPA), the State Chief Information Officer (CIO), and the Service Employees International Union (SEIU).

AB 2241 will modernize the tools used to hire the Information Technology (IT) workforce by creating a more precise match between candidates' qualifications and the requirements for specific vacancies. This new certification tool will enable the State to develop, operate, maintain, and change its technology infrastructure.

Considering the number of anticipated vacancies in state government within the next couple of years, and the need to fill these vacancies with well qualified individuals, skills-based certification is an invaluable tool to facilitate the hiring and retention of a competent future workforce.

This legislation will accomplish the following:

- Create a more productive and qualified state workforce by precisely matching the skills of individual applicants to those of specific jobs.
- Increase the potential for successful job performance.
- Decrease the need for on-the-job training, minimize turnover and increase retention of career employees.
- Is consistent with the California Performance Review to improve civil service procedures to facilitate hiring well-qualified workers.
- This type of process has a proven track record of success in other states (i.e., Ohio, and Alaska) and provides needed flexibility for hiring authorities.

[start]

Prospective Employee entering system as a:

E 1-12

J 1-12

A 1-12

...

Database:

Stores exam scores after the test in a database.

...

Manager creates IT position and requests database generated certification list and rankings.

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Manager/Supervisor: Interviews and selects best job match for successful hire.

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Prospective Employee is hired and begins their probation.

[finish]

Information Technology Specialist Classification Series

Communication Reading
FOUR EMPLOYMENT LEVELS: Comprehension

IT Specialist Trainee
(Entry Level)

Information Technology Specialist I,
Entry Level - (E)

Information Technology Specialist II,
Journey Level II - (J)
Information Technology Specialist III,
Advanced Level - (A)

CORE COMPETENCIES

12 FUNCTIONAL AREAS:

1. Application Software Development
2. Customer Technical Support
3. Database Development and Support
4. Enterprise Systems Support
5. Emerging IT
6. Information Systems Security Admin.
7. IT Business Consultant
8. IT Project Manager
9. IT Technical Document Writer
10. Network/Client Server Admin.
11. Web/Internet/Development
12. Telecommunications

Test Talk

The Test Validation & Construction Unit (TV&C) continues to offer TestTalk as an opportunity for testing professionals to keep current with the latest information available in selection. All sessions are FREE and the following TestTalk topics remain on the 2006 schedule. Please join us at the next session and bring your stories, questions and issues and together we'll enjoy informative, creative and fun TestTalk sessions!

Remaining Dates

Topics

October 11

How to Set a Valid Pass Point

December 13

Setting Benchmarks

Where: State Personnel Board, 801 Capitol Mall,
First Floor Auditorium

Time: 10:00 a.m. to 11:30 a.m.

For additional information, please contact:

muptegrove@spb.ca.gov

DEBUT OF NEW CEA BULLETIN CREATION AND DISTRIBUTION SYSTEM

The CEA Program within the Merit Employment and Technical Resources Division is excited to announce the development of a new on-line CEA and Exempt Bulletin System.

The SPB CEA and Exempt Bulletin System has been designed to provide departments the ability to independently manage their own CEA and Exempt bulletins in a user-friendly online system. The system has been designed to accomplishing the following:

- 1- Replace the current requirement that departments post their CEA Bulletins on the SPB Exam Bulletin Phone System.
- 2- Provide a user-friendly and effective method of posting and managing upcoming CEA/Exempt bulletins utilizing a centralized on-line website for departments to post their CEA and Exempt Bulletins.
- 3- Increase departmental recruitment efforts by providing eligible candidates a centralized on-line location to view, print, and/or save CEA and Exempt Bulletins
- 4- Feature daily electronic e-mail distribution processing of new CEA and Exempt bulletins to Departmental Bulletin Distribution Recipients (BDRs) service wide.

- 5- Feature daily electronic e-notify distribution processing of new CEA/Exempt bulletins to user(s) who have signed up to receive them via their e-mail.

In an effort to enlist departmental feedback in order to develop a user-friendly system, volunteers from six departments (EDD, Toxics, Fish and Game, Education, BOE and Transportation) have agreed to demo the system. The volunteers have been provided access to the on-line system and are currently posting new and updating CEA and Exempt bulletins. Once SPB Staff have had a chance to implement suggestions made by the volunteers the system will be made available to all state departments.

SPB staff intend to release the system to all departments in July/August and have the on-line system fully replace the phone system no later than September. As the system is rolled out, SPB staff will provide information on the SPB website and release information to all the state departments. We anticipate having several training/demo sessions at SPB for departmental users and are in the process of creating a Users-Guide and an on-line training module department representatives can download at their convenience from the SPB website.

PRE-HEARING AND SETTLEMENT COMPLAINTS

In April of this year, the Appeals Division implemented pre-hearing and settlement conferences for discrimination and reasonable accommodation complaints. Our goal is to best meet the needs of both complainants and respondents by resolving these disputes in the most timely and efficient manner possible.

An Administrative Law Judge will be assigned to each of these conferences. The pre-hearing/settlement conferences are generally held in Fresno and Rancho Cucamonga, on Mondays, and in Sacramento on Tuesdays. Six to eight weeks before the pre-hearing/settlement conferences, the parties will receive a notice of the conference with the date, time and location as well as instructions regarding the format of the pre-hearing/settlement conferences.

Thus far we have had great success in assisting parties with resolution, or, in the alternative, clearly defining issues, ruling on motions, and setting the matters for hearing.

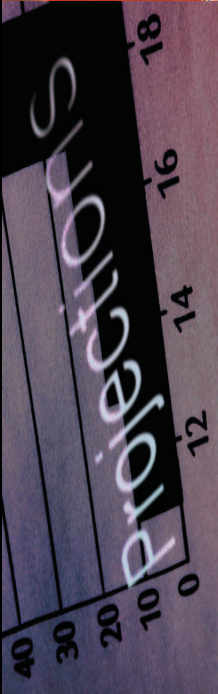
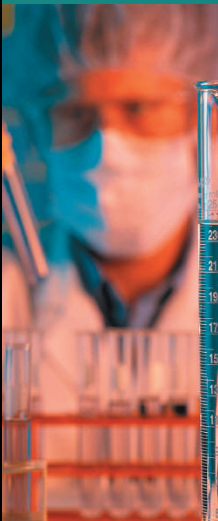
If this program continues to be successful, we look forward to expanding the pre-hearing settlement conferences to other appeals including whistleblower complaints and disciplinary appeals.

Huh? | Fun Times with Ridiculous Phrases

Nobody goes to that restaurant, because it is too crowded.

Don't go near the water, till you have learned how to swim.

If you get this message, call me, and if you don't get it, don't call.



WORKFORCE ANALYSIS:

A BUILDING BLOCK FOR WORKFORCE PLANNING

According to various reports by the Little Hoover Commission and the California Performance Review among others, the State of California civil service system is on the verge of a major transition where it is estimated that about one-third of its entire workforce will turnover, due to retirements, within the next five years. Additionally, the State of California faces other challenges in recruiting and filling these vacancies. Increased competition in private industry, non-profit organizations, and other public sector employment, limits imposed by our civil service salary structure and the relatively smaller pool of available and qualified talent from which to choose, all contribute to the problem. Planning efforts to address this critical shortage will be necessary to ensure the continued delivery of critical services to the people of California.

Government Code Sections 19795 and 19797 require state departments to annually conduct an analysis of their workforce in order to identify significant underutilization of racial/ethnic and gender groups as well as the employment of persons with disabilities. Where significant underutilization is found, departments are required to identify the causes, and, if the cause is a non-job-related employment barrier, to eliminate the barrier.

In an effort to marry workforce planning and

workforce analysis and improve the quality and utility of the workforce data, the Annual Workforce Analysis (AWFA) Workgroup was established to innovate the process. Representatives from the California Public Employees Retirement System, California Highway Patrol, Department of Consumer Affairs, Department of Justice and Department of Transportation in collaboration with SPB diligently worked to develop models for process improvement. Two elements involving the employment of persons with disabilities and Upward Mobility goals were revamped and implemented for the 2006 workforce analysis process. These improvements were officially implemented and discussed during the 2006 Workforce Analysis training sessions held on May 25th, 26th and 30th.

It is anticipated that the workgroup will reconvene in the fall to address additional

improvements including:

- Integration of "Age" as an analysis factor to provide accurate data for succession planning purposes
- Establishment of a statistical benchmark (other than the U.S. Census data) as a basis for examining appropriate racial and gender representation in specific occupational job categories
- An Improved and streamlined report generation process to make statistical data and its interpretation more accurate and less prone to human error
- Integration of "promotional" applicant pools into the analysis process

Additional information regarding workforce planning and workforce analysis is available on the SPB website.

Brain Power!

Using the grid below, how many words can you find? Each word must contain the central H and no letter can be used twice, however, the letters do not have to be connected. Proper nouns are not allowed, however, plurals are. There is at least one nine letter word. Excellent: 36 words. Good: 27 words. Average: 19 words.

C	T	A
R	H	A
E	R	C

Pandemic Influenza Preparedness

PLANNING

Avian Influenza

Has Killed People

Started In Southeast Asia

Feared that it may spread from human to human

Is a virus strain found in birds

The California Department of Health Services (CDHS) is the lead agency in responding to a public health disaster, including pandemic influenza, and performs a critical role in protecting the public's health. On March 8, 2006, the department briefed the State Personnel Board on its efforts to detect and monitor a pandemic influenza virus in California, coordinate medical care, and limit the spread of disease. The plan is consistent with the U.S. Department of Health and Human Services' pandemic influenza planning guide and follows the Interpandemic/Pandemic Periods and Phases modeled by the World Health Organization.

An influenza pandemic is a global outbreak of disease that occurs when a new influenza A virus appears in the human population, causes serious illness, and then spreads easily from person to person worldwide. Pandemics are different from seasonal outbreaks of influenza. Seasonal outbreaks are caused by subtypes of influenza viruses that are already in existence among people, whereas pandemic outbreaks are caused by new subtypes that have never circulated among people before or that have not circulated among people for a long time. Past influenza pandemics have led to high levels of illness, death, social disruption, and economic loss.

While no one can predict the timing or severity of the next influenza pandemic, many public health experts believe that another influenza pandemic is inevitable. Health officials estimate a pandemic in the U.S. can sicken 30% of the population or 90 million individuals, half of whom will seek outpatient medical care. The number of hospitalizations and deaths will depend on the virulence of the pandemic virus.

The CDHS works closely with the Governor's Office of Emergency Services (OES) and other critical agencies in planning for and coordinating the medical response and has primary responsibility for activating the pandemic influenza response at the level appropriate to the specific phase of a pandemic.

As a follow up to the discussion, the State Personnel Board and the Department of Personnel Administration have begun to meet to discuss staffing issues related to continuity of essential government functions/services in State government. To date, we have jointly agreed to establish and staff a coordinated HR response team to provide assistance and guidance to State departments in all aspects of human relations in the event the Avian Influenza turns into Pandemic Influenza.



The SPB Language Access Complaint Line is Up and Running

The State Personnel Board (SPB) is proud to announce the release of its latest bilingual resource to facilitate language access to state government information and services in compliance with the Dymally-Alatorre Bilingual Services Act (Act). The Act requires state government to ensure its public information and services are accessible to Limited-English Proficient (LEP) people. To assist state departments, the SPB has activated a language access complaint line that is able to receive messages in 12 non-English languages: Spanish, Vietnamese,

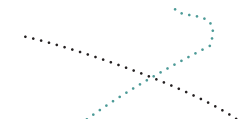
Cantonese, Tagalog, Mandarin, Korean, Russian, Armenian, Japanese, Punjabi, Arabic and Farsi.

Once a LEP person calls the toll-free line and leaves a message in his/her non-English language, it is placed in a "Queue." The message is then retrieved and translated by a translation vendor that sends the translated message to the SPB's language access on-line complaint system. The translated messages will be reviewed by the SPB's Bilingual Services Program (BSP)

and sent to the identified state department for resolution. The BSP staff will work with the department to ensure it provides effective communication services.

An informational poster announcing this new resource was sent to state departments earlier this month and is printed in English and the top 12 non-English languages reported most frequently by state departments. The poster provides the LEP

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The human brain is unique in that it is the only container of which it can be said that the more you put into it, the more it will hold.
-Glenn Doman

2005 - 2006 : Language | Survey

Another Language Survey year is almost gone! The 2005-2006 Language Survey packet was due to the State Personnel Board (SPB) March 31, 2006. Since this date is now a state holiday, the SPB extended the due date to the next workday, April 3rd. All state agencies, with the exception of the

State Insurance Compensation Fund, are mandated by the Government Code Section 7290-7299.8 Dymally-Alatorre Bilingual Services Act (Act) to survey their public contact offices every two years through the Language Survey. The Language Survey allows the departments to determine the number of public contact positions in each local office, the number of designated public contact positions by languages, and the percentage of non-English-speaking people served by their local offices (broken down by languages). Departments also report their anticipated public contact position vacancies and the usage of bilingual resources such as contracted telephone based interpretation services, according to the Act.

The SPB granted exemptions to state agencies that petitioned in writing and demonstrated that they did not furnish information or rendered services to the public, or consistently received such limited public contact with

the non-English speaking public that it was not required to employ bilingual staff. Departments that were granted an exemption must participate in the 2007-2008 Language Survey, since a department may not receive an exemption for more than three consecutive years.

The SPB has received 60 of the anticipated 140 language survey packets and will acknowledge those state agencies that submitted their packets on time. Those departments that have not submitted their packet, and were not granted an exemption, should contact their SPB bilingual services coordinator immediately, since the SPB is developing its Report to the Legislature. Departments that have any questions regarding the 2005-2006 Language Survey, or need assistance to access the SPB Language Survey on-line system are encouraged call their SBP bilingual services coordinator or send an e-mail to: bilingual@spb.ca.gov

Language Access Complaint continued from page 9...

public with the alternative to contact the SPB for assistance should they feel they have been denied or not provided the appropriate level of language access by a state agency. Please display the poster in your office in areas that are accessible to the general public.

Posters were also sent to Community Based Organizations (CBOs) to display in their offices to alert the LEP public that they are entitled to bilingual services when visiting a state office.

If you need additional posters, or would like more information, please contact your SPB's bilingual services coordinator or e-mail the program at: bilingual@SPB.ca.gov

Now Recruiting Doctors and Nurses

Due to the Plata lawsuit, the court has mandated that the department of Corrections and Rehabilitation (CDCR) create a faster testing and hiring process for their medical classifications. The department came to the State Personnel Board (SPB) in mid November 2005 seeking new ways to accomplish this mandate. SPB and CDCR staff have been working diligently for the last several months developing and implementing Internet Testing for Physician and Surgeon, Correctional Facility (Internal Medicine/Family Practice), Physician's Assistant (Correctional Facility), Nurse Practitioner

(Correctional Facility) and Registered Nurse (Correctional Facility).

The first of these examinations was up and running by the first week of December 2005.

Candidates apply and take the examination via the Internet. While on-line the candidates fill out their application and a minimum qualifications review is completed based on the information submitted by the candidate. Qualified candidates then proceed to the Training and Experience Test. At the end of the examination, candidates receive their results instantly. The candidates' score is then upload onto the certification list.

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New LEAP Testing Coming

Although the current method of testing for

LEAP examinations has been successful and there are currently viable lists with plenty of LEAP eligibles to consider for hire, this testing method is not modern nor is it efficient. Testing was suspended in August 2005 in order to develop a new testing method. Testing via the Internet was proposed and we are in the final stages of developing Internet-based tests that will be available continuously. Internet testing is being implemented for those classifications where the most LEAP appointments are made. The LEAP examinations that will be available on the Internet are:

- Custodian
- Information Systems Technician
- Office Assistant (Typing & General)
- Office Technician (Typing & General)
- Program Technician
- Staff Services Analyst (General)

The Internet tests will require applicants to file their application on-line. If it is verified that an applicant is LEAP certified and the minimum qualifications are met, he/she will be allowed to take the examination on the Internet. Candidates will instantaneously receive their results upon completion and submittal of the test (Training and Experience Written Test). Their eligibility will be downloaded to the certification list the Tuesday following the date the examination was taken. The first examination (Office Assistant series) was released on July 1, 2006. We look forward to sharing more information with departments on LEAP testing and anticipate releasing one additional Internet test each month.

Introduction to Workforce Planning (one day)

Participants explore the critical need for an effective workforce plan to minimize the effects of the upcoming "perfect storm"---the anticipated mass wave of Baby Boomer retirements. This exodus combined with increasingly complex technology, and shrinking budgets is making it difficult to fill positions with qualified people. In this class you will learn about the Department of Personnel Administration's workforce planning model and how to plan for your department's future needs, including a step by step action plan.

Performance Management: Strategic Planning and Performance Measurement (two days)

It provides an understanding of the critical relationship between Strategic Planning and Performance Measurement and how they drive an organization's performance. Participants review the basic principles of strategic planning, including the concepts of mission and vision, environmental scan, SWOT analysis, goals and objectives. Also, you will be introduced to a Performance Measurement Model, including the concepts of core programs, outcomes, and measures.

Franklin-Covey Writing Advantage (two days)

This class will be offered starting in the fall of 2006. Writing Advantage helps you gain control of what you write, how you write it, and how it's received. Participants learn to get to the point fast with the information the reader needs. The class allows plenty of time for practice using the new tools you learn in class.

Now Recruiting Doctors and Nurses continued from page 10..

This new testing method has enabled the Department of Corrections and Rehabilitation to continually test and meet many of the hiring needs for qualified medical staff. SPB is working with CDCR to develop and implement Internet Testing for the Chief Dentist (Correctional Facility), Dentist (Correctional Facility) and Dental Assistant (Correctional Facility). For more information on testing for medical classes log on to www.spb.ca.gov or at www.cdcr.ca.gov

News from the Technical Training Program

The Technical Training Program is bigger, better, and broader than ever before. Our traditional offerings include Human Resources related classes such as Selection Analyst training, Diversity in the Workplace, Sexual Harassment Prevention, Writing Personnel and Medical Actions

But wait! We now have some new classes to meet your growing needs.

continued on page 12...

*News From Technical Training...
continued from page 11...*

Of course, we still offer the twelve-class Selection Analyst Training Certificate Program. The program is designed for selection analysts, whether novice or experienced. Some of the classes are: Job Analysis, Examination Planning, Developing Interviews, Pass Point Setting, Interpreting Item Analysis, and Chairing Interview Examinations.

And don't forget---many of our classes can be brought to your worksite. Please call us if we can assist you with any special training needs.

By the way, the Technical Training Program is always looking for good instructors. If you are a subject matter expert and love to train, please call Sue Williams at 916-653-1597.

For a complete list of our classes, visit our website at <http://www.spb.ca.gov/spbtrain/>

CONSOLIDATED CONTRACTS FOR 2006-07

The State Personnel Board's consolidated contract packages for access to and support of the online examination and certification system, examinations, test validation and construction,

Working | Together



technical training, medical office services, management information reports, and workforce analysis reports were sent to departments during the last week of April. We asked departments to send back their budget worksheets for these items by May 8th, so that our contract shop could finalize these contracts. To date 25 departments have responded. If you have not done so already, please send your budget sheets to SPB as soon as possible in order to get your 2006-07 contract executed by July 1. If you have any questions, please call SPB's contracts unit at 653-1823. Thank you.

TV&C CORNER

New Staff

In the past year TV&C staffing has grown considerably due to the increasing need for the services provided by the program. Our newest addition to the TV&C Program is Ryan Platt who comes to us from the private sector. Ryan obtained his Masters Degree in I/O Psychology from California State University, San Bernardino.

Announcing a New Associate Analyst Exam...

TV&C is developing a new, empirically validated Associate Analyst test and departments are invited to participate. Associate analysts are the backbone of a department; incumbents are

expected to work professionally and independently on the most difficult projects. For this reason, it is critically important for each department to be able to identify the most qualified applicants. Being a participant in a validation study provides departments with maximum compliance with all state and federal employment laws and ensures that the new test is relevant to the job. Participating in a study also ensures that departments have direct involvement with the validation process.

Volunteer departments will participate by providing Associate Analyst staff to pilot items so that a reliable test can be produced, take the completed examination to provide data for empirical validation, and provide criterion (performance) data on those individuals who take the completed test. The estimated volunteer staff time is about five hours. In addition to developing the test, SPB will develop a Test User's Manual that includes Expectancy Tables that provide departments with specific levels of job performance that are predicted by each test score, thus allowing for rational pass point setting and decision making. It will also provide data on the over or under prediction of test scores by gender and ethnicity thus allowing for accurate monitoring of test performance by all groups in addition to complete documentation for the development and validation of the test.

continued on page 13...

Life is a grindstone. But whether it grinds us down or polishes us up depends on us.

– L. Thomas Holdcroft

TV & C Corner continued from page 12...

To demonstrate SPB's appreciation of department's assistance in validating the test, SPB will provide the first use of the test to participating departments at a reduced rate of 50%.

All questions and study signups should be directed to Richard Honey, the principle researcher on the project. Richard can be reached at (209) 296-1162 or by e-mail at rhoney@volcano.net

Test Talk

Test Talk has been a huge success this year with over 100 participants appearing for just one session, "Job Analysis and the Appeal Process" (February 9, 2006). There was such a large turnout that we are going to schedule an additional session this year to accommodate those departments who were unable to attend. The April 5, 2006 session required a morning and afternoon session in order to accommodate everyone. Our remaining sessions this year will cover How to Set a Valid Pass Point on October 11th and Setting Benchmarks on December 13th. The overwhelming interest in Test Talk this year has required us to request that departments reserve a seat for the sessions. Without a doubt, Job Analysis is a hot topic of conversation and TV&C staff are anxious to share their wealth of knowledge with everyone so please join our sessions, get acquainted with our staff and share your experiences.

FROM THE DESK OF THE CHIEF COUNSEL:

Supreme Court Decisions

The civil service system is alive and well in the State of California. In the past year, the State Personnel Board prevailed in two cases before the State Supreme Court. In the first case, the Court held that appointments and promotions in the state civil service must be based on merit and invalidated a *memorandum of understanding* negotiated by the state and the unions that provided that a promotion or appointment must go to the eligible candidate with the most statewide seniority. In the second case, the Court held that the State Personnel Board has the exclusive authority to review disciplinary actions, and invalidated a process that substituted disciplinary review by boards of adjustment or private arbitrators for State Personnel Board review.

Precedential Decisions

The State Personnel Board is issuing less precedential decisions, having issued none so far in 2006 and only three in 2005. Most of the issues that come before the Board at this point have already been addressed in its previous decisions and the Board will only designate its decisions as precedential if it wishes to change existing law or policy, or if the decision addresses an issue not previously addressed and that is likely to recur in future cases.

Whistleblower Regulations

The Board has, however, been fairly active in issuing regulations to address recent

changes in policy. Most recently, the Board amended its whistleblower regulations to reflect a change in process that will result in most whistleblower cases being referred for an informal hearing before an administrative law judge (ALJ) after which the ALJ will prepare a proposed notice of findings for review by the Executive Officer of the State Personnel Board.

Discovery Regulations

To supplement the law that provides for discovery only by appellants and only in adverse action cases, the Board has also adopted a new set of discovery regulations. The new regulations provide for two-way discovery (by appellants and departments) in most cases subject to evidentiary hearing including, among others, medical actions, discrimination appeals and retaliation complaints. Departments now also have a formal means of seeking discovery if an employee charged with disciplinary action raises an affirmative defense of retaliation or discrimination.

Next Up?

Our current project involves revisions to the discrimination and reasonable accommodation regulations





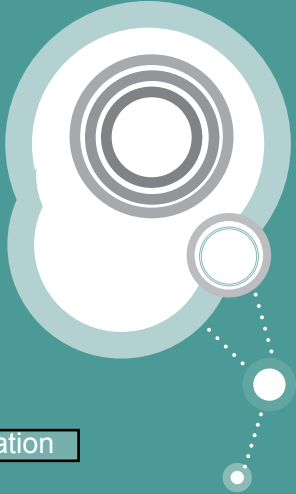
Welcome to Exam Services Welcome To Exam Services

Welcome To Exam Services

8/2/05	Vicki Kepner Returning to State Service
10/3/05	Maria Mendoza-Jett From Dept of Corrections and Rehabilitation
2/27/06	Christine Murrell From Dept of Corrections and Rehabilitation
6/1/06	Julia Shelmire From Dept of Corrections and Rehabilitation

So Long to...

7/3/06	Marianne Hardin	Transferred to Department of Personnel Administration
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STRATEGIC PLANNING FOR 06/07 IS UNDERWAY

The State Personnel Board established Strategic Goals and Objectives for 2005-2006 (<http://www.spb.ca.gov/documents/stratplan.pdf>). It was a one-year plan to begin to focus on the current challenges facing the Human Resources Community in California State Government. SPB has completed some of these objectives and many more are in the process of completion. They include: providing leadership in workforce planning by sponsoring a conference last December and providing an ongoing Introduction to Workforce Planning course; improving the Whistleblower Protection process by promulgating rules to improve the process; developing a new Information Technology classification and selection process, which is well-underway with our CIO, SEIU and DPA partners; and many others that you will read about in this and future issues of Shared Solutions.

The State Personnel Board is currently gathering data for another Strategic Planning effort that will result in a new three to five year plan. As stakeholders, we are looking forward to you providing us input as to what you think are the most important objectives for the State Personnel Board to pursue.

approximately 1,000 cases and has trained over 100 state employees as co-mediators. Recently an additional 24 co-mediators representing 20 state departments were trained to assist in mediations.

SEMP offers mediation as a non-adversarial way to resolve personal disputes. Mediation is a collaborative problem solving process where disputing parties have an opportunity to discuss their issues and generate mutual agreements for resolving conflicts in the workplace. Mediation is a structured, yet informal process that is strictly voluntary, always confidential and free to all parties. It is most effective when it is used as early as possible and before a formal claim or action is filed. HR Managers, EEO Managers, and Return to Work and Worker's Compensation Units have all found mediation to be an efficient and effective ways to resolve conflicts and issues. Generally, there are six major issues or themes that are identified as problem areas: Communication; Recognition; Respect; Trust; Roles; and Style. Over 90 % of the mediation evaluations received state that mediation was effective, an agreement was reached, that they would use mediation again, and would recommend it to others.

SEMP has recently added a Workgroup Facilitation Service to offer departments another tool to assist employees build better understanding in the workplace. A group facilitation provider (GFP) will apply a custom facilitation plan to intact workgroups with various issues based on information obtained during an initial assessment phase. The GFP will guide groups to successfully define their respective "team approach" to improving workplace communication, decision-making and problem solving. A written strategy for

improvement or agreements would be produced by the end of each facilitation session. The sessions are typically 3-4 hours in duration. Unlike the mediation service that is free of charge, there is a fee for the Workgroup Facilitation Service.

If you are interested in utilizing SEMP services or learn more about us, please contact your department's Gatekeeper. If you are unsure of who your Gatekeeper is or your department does not have one, please contact the SPB SEMP Coordinator at (916) 651-9041 for assistance. You can also access the SPB website at www.spb.ca.gov. Go to the "Office of the Chief Counsel", select "Other", and you will see the SEMP brochure.

Lunchtime Seminars

Know anyone who needs a job? Let them know about the State Personnel Board's (SPB) Lunchtime Seminars. Lunchtime seminars provide essential information to update those job search skills! For more information on dates, location and times check the web page at: www.spb.ca.gov/employment/lunchtime_seminars.htm

EMPLOYEE MEDIATION PROGRAM CELEBRATES ITS 10 YEAR ANNIVERSARY

It is hard to believe it has been a decade since the State Personnel Board rolled out the State Employee Mediation Pilot Program on July 9, 1996. Since then, the thriving State Employee Mediation Program (SEMP) has enjoyed a phenomenal growth, starting with only a handful of participating departments to now over 50 participating departments, boards, commissions and organizations. Since its establishment SEMP has mediated



WEST NILE VIRUS (WNV)

A very wet winter and hot summer have been the perfect breeding grounds for mosquitoes causing us once again to have to think about West Nile Virus (WNV). The following are a few tips posted by the Department for Health and Human Services/Centers for Disease Control and Prevention.

- Avoid the Bite! Apply insect repellent containing DEET.
- Be aware of "peak mosquito hours." Dusk and dawn are prime time!



(c) used with permission

- Drain standing water.
- Install or repair screens.
- Report dead birds to local authorities.

- Check with local authorities regarding mosquito control programs in your area.
- Clean up potential mosquito breeding sites (i.e., any containers or areas that can hold standing water).

For additional information regarding these tips on prevention, care and symptoms of WNV please visit these websites:

*www.FightTheBiteColorado.com
www.westnile.ca.gov*



The Western Region Intergovernmental Personnel Assessment Council (WRIPAC) will be holding its next meeting in Berkeley on September 21-22. Prior to the meeting, two training sessions will be offered on September 20th. **Donna Terrazas** will provide training session on Selection Planning and **Mike Willihnganz** will share information on *Interpreting and Applying Item Analysis Data*. For more information regarding registration and location, check out the website at www.wripac.org.

**WRIPAC
NEWS**

State Personnel Board
801 Capitol Mall
Sacramento, CA 95814